

REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

Claims 1-8, 10, and 12-15 are pending in the application, with claim 1 being independent. Applicant amends claim 1 to further clarify features of the claimed subject matter. The original specification and drawings support the claim amendment at least at page 31, lines 8-14. Therefore, claims 1-8, 10, and 12-15 are presented and directed to subject matter of the original disclosure.

Applicant's amendments and remarks after Final are appropriate under 37 C.F.R. §1.116 because they address the Office's remarks in the Final Action, and thus could not have been presented earlier. In addition, the amendments and remarks should be entered to place the application in better form for appeal.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103 A. AND B.

A. **Claims 1, 2, 4-8, 10, and 12-15** stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent Publication No. 2003/0167318 to Robbin et al (hereinafter "Robbin"), in view of U.S. Patent Publication No. 2003/0084452 to Ryan et al (hereinafter "Ryan"), in view of U.S. Patent Publication No. 2002/0010759 to Hitson et al. (hereinafter "Hitson"), and in further view of U.S. Patent No. 6,345,308 to Abe. Applicant respectfully traverses the rejection.

Without conceding the propriety of the stated rejection, and only to advance the prosecution of this application, Applicant amends **independent claim 1** to further clarify features of the claimed subject matter. Amended claim 1 now recites a computer-

readable storage medium comprising stored computer-executable instructions that perform the following when executed by a computer (emphasis added):

receiving a request to perform a media operation on a local media platform with respect to a media file, wherein the receiving is through a media player user interface, wherein the media player user interface integrating a media provider user interface is a universal user interface permitting access to a first stream from a first remote media provider and a second stream from a second remote media provider;

determining a media provider from a plurality of media providers to which the media file is attributable;

assessing if the media provider allows the media operation to be performed with respect to the media file, *wherein the assessing is performed by executing a code module received from the media provider and associated with the requested media operation, permitting the local media platform to determine if the media operation is allowed without having to further communicate with the media provider*;

performing the requested media operation if allowed by the media provider; and

denying the requested media operation if not allowed by the media provider.

Applicant respectfully submits that the Office has failed to show that such a user interface is disclosed, taught, or suggested by Robbin, Ryan, Hitson, and/or Abe, alone or in combination.

References Fail to Disclose, Teach or Suggest the Claimed User Interface

Applicant agrees with the Office that Robbin fails to disclose the UI being a universal UI permitting access to a first stream from a first media provider and a second stream from a second media provider as recited in claim 1. *See*, Office Action, page 3. However, Applicant submits that Ryan fails to compensate for the deficiencies of Robbin.

For example, Ryan describes an entertainment portal, which serves as a common interface to access local and remote entertainment content, integrate and categorize it, and then display it on a single HDTV display screen. *See*, paragraph [0006]. The entertainment portal in Ryan establishes a user interface (UI), hosted remotely, and cached locally, rather than in the conventional set-top-box. *See*, paragraph [0021].

Applicant agrees with the Office that Robbin and Ryan fail to disclose denying the requested media operation if not allowed by the media provider as recited in claim 1. *See*, Office Action, page 3. However, Applicant respectfully submits that Hitson fails to compensate for the deficiencies of Robbin and Ryan. For example, Hitson is directed to a system and method which allows multimedia content to be delivered. *See*, Abstract. Users in Hitson may indicate a preference for a particular type or types, and content may be chosen based on user preferences. *See*, Abstract.

Applicant agrees with the Office that Robbin, Ryan, and Hitson fail to disclose storing an application locally and accessing it on a local platform as recited in claim 1. *See*, Office Action, page 3. However, Applicant respectfully submits that Abe fails to compensate for the deficiencies of Robbin, Ryan, and/or Hitson. Rather, Abe is directed towards a network computer ("NC") [that] stores a replica list in a local storage by an initial downloading of a synchronization list in a server computer as well as resource replicas that are necessary for mobile operation of the NC. *See*, Abstract. When the NC in Abe returns to an on-line state to the server, the replication between the resource replicas in the NC and the server resources is performed with reference to the synchronization list and the replica list in the local storage. *See*, Abstract.

In addition, Applicant's amended claim 1 recites, *"assessing if the media provider allows the media operation to be performed with respect to the media file, wherein the assessing is performed by executing a code module received from the media provider and associated with the requested media operation, permitting the media platform to determine if the media operation is allowed without having to further communicate with the media provider."* Applicant respectfully submits that Robbin, Ryan, Hitson, and/or Abe, alone or in combination fail to recite these features.

To further assist the Office in appreciating the claimed subject matter, the following illustrative excerpt is reproduced from the Applicant's Specification.

Applicant's Specification, page 31, lines 8-14

When a code module is stored in the memory of the computer, the media platform assesses whether or not the operation is allowed by the media provider without having to communicate with the media provider (such as the first media provider of Fig. 6). This offline/off-communication assessment allows the first media provider to control how its media files are used by a user without the first media provider needing to be in communication with the media platform.

Thus, Robbin, Ryan, Hitson, and/or Abe, alone or in combination, do not disclose, teach, or suggest the claimed subject matter. Accordingly, Applicant submits that the evidence relied upon by the Office no longer supports the rejections made under § 103 and respectfully requests that the § 103 rejection be withdrawn.

Claims 2, 4-8, 10, and 12-15 depend directly or indirectly from independent claim 1 and are allowable by virtue of this dependency, as well as for additional features that they recite. Applicant also respectfully requests individual consideration of each dependent claim.

Applicant respectfully submits that the cited references do not render the claimed subject matter obvious and that the claimed subject matter, therefore, patentably distinguishes over the cited references. For all of these reasons, Applicant respectfully requests that the § 103 rejection of these claims should be withdrawn.

B. Claim 3 stands rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent Publication No. 2003/0167318 to Robbin et al (hereinafter “Robbin”), in view of U.S. Patent Publication No. 2003/0084452 to Ryan et al. (hereinafter “Ryan”), in view of U.S. Patent Application No. 2002/0010759 to Hitson et al. (hereinafter “Hitson”), in view of U.S. Patent No. 6,345,308 to Abe, and in further view of U.S. Patent Application No. 2004/0248561 to Nykanen et al. (hereinafter Nykanen). Applicant respectfully traverses the rejection.

Dependent claim 3 recites “*the computer-readable medium of claim 1, wherein the determining is performed by finding a unique identifier associated with the media provider that is within a header of the media file.*”

Applicant respectfully submits that the Office has failed to show that such a computer-readable media is disclosed, taught, or suggested by Robbin, Ryan, Hitson, Abe, and/or Nykanen, alone or in combination.

Reference Fail to Disclose, Teach or Suggest the Claimed Subject Matter

As explained above, Applicant submits that Robbin, Ryan, Hitson, and/or Abe fail to disclose, teach, or suggest the features of independent claim 1. **Dependent claim 3** depends directly from independent claim 1 and is allowable by virtue of this dependency.

This dependent claim is also allowable for its own recited features that, in combination with those recited in claim 1, are not disclosed, taught, or suggested by Robbin, Ryan, Hitson, and/or Abe.

Nykanen fails to compensate for the deficiencies of Robbin, Ryan, Hitson, and Abe. Rather, Nykanen is directed to a system, method, and apparatus that enables an end user of a mobile terminal to establish a primary content channel having primary content feedback provided via a path. *See, Abstract.* In response, a user interface logic block in Nykanen detects the primary content channel selection and queries a media channel controller for secondary content channel selections that may be instantiated in response to the primary content channel selection.

Thus, Robbin, Ryan, Hitson, Abe, and/or Nykanen, alone or in combination, do not disclose, teach, or suggest the claimed subject matter. Accordingly, Applicant submits that the evidence relied upon by the Office no longer supports the rejections made under § 103 and respectfully requests that the § 103 rejection be withdrawn.

CONCLUSION

Claims 1-8, 10, and 12-15 are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of the subject application. If any issue remains unresolved that would prevent allowance of this case, the Office is requested to contact the undersigned attorney to resolve the issue.

Respectfully submitted,

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